

**PROPOSED ZONING ORDINANCE AMENDMENTS
ASSOCIATED WITH THE CHESAPEAKE BAY PRESERVATION ORDINANCE**

Section 1-103 Application of Ordinance.

- (K) **Conflicting Provisions.** In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. Whenever any provision of this Ordinance imposes a greater requirement or a higher standard than is required in any State or Federal Statute or other County ordinance or regulation, the provision of this Ordinance shall govern. Whenever any provision of any State or Federal statute or other County ordinance or regulation, including, without limitation, the Chesapeake Bay Preservation Ordinance (Chapter 1222 of the Loudoun County Codified Ordinances), imposes a greater requirement or a higher standard than is required by this Ordinance, the provision of such State or Federal statute or other County ordinance or regulation shall govern.

Section 1-205 Limitations and Methods for Measurements of Lots, Yards and Related Terms.

- (M) Requirements for Lots for Residential Use Affected by the Resource Protection Area of the Chesapeake Bay Preservation Ordinance (Chapter 1222 of the Loudoun County Codified Ordinances). The following requirements shall apply to lots created for residential use after the adoption of the Chesapeake Bay Preservation Ordinance, provided, however, that the following requirements shall not be applicable to the extent that the application of such requirements to a proposed subdivision would decrease the allowed dwelling unit density of the parcel proposed to be subdivided.

1. Lots served by public water and sewer:

a. All lots of 20,000 square feet or less shall be located entirely outside of the RPA.

b. All lots greater than 20,000 square feet shall contain a minimum of 20,000 square feet outside the RPA.

2. Lots not served by public water and sewer:

a. All lots of 40,000 square feet or less shall be located entirely outside of the RPA.

b. All lots greater than 40,000 square feet shall contain a minimum of 40,000 square feet outside of the RPA.

3. The minimum distance between the RPA and the principal structure shall be equal to the minimum corresponding required yard (front, side and rear) of the applicable zoning district.

~~(1) All lots of 40,000 square feet or less shall be located outside of the Resource Protection Area (RPA). All lots of greater than 40,000 square feet shall contain a minimum of 40,000 square feet outside of the RPA.~~

~~(2) For any lot which includes RPA within its boundaries, the minimum required yards of the applicable zoning district shall be measured from the RPA boundary.~~

Section 4-1500 FOD - Floodplain Overlay District**4-1504 Administration**

(C) To the extent that the standards in this Section 4-1500 conflict with provisions in the Chesapeake Bay Preservation Ordinance (Chapter 1222 of the Loudoun County Codified Ordinances), the standard that imposes a greater requirement or a higher standard shall govern.

4-1511 Density Calculations. For purposes of calculating the permitted floor area and number of residential units in the underlying zoning district, the land area in any portion of the Floodplain Overlay District shall be included as part of the land area for such calculations. ~~treated as follows:~~

~~(A) Any portion of the Floodplain Overlay District in a watershed of a stream draining less than 640 acres shall be included as part of the land area for such calculations.~~

~~(B) Except to the extent permitted in approved County Flood Plain Studies, any portion of the regulatory floodplain within the Floodplain Overlay District in a watershed of 640 or more acres shall be excluded as part of the land area for such calculations.~~

5-1000 Scenic Creek Valley Buffer

5-1006 Chesapeake Bay Preservation Area – Conflicting Provisions. To the extent that the standards in this Section 5-1000 conflict with provisions in the Chesapeake Bay Preservation Ordinance (Chapter 1222 of the Loudoun County Codified Ordinances), the standard that imposes a greater requirement or a higher standard shall govern.

6-900 Additional County, State and Federal Approvals Required For Development. Approvals obtained pursuant to this Ordinance shall not relieve any person from the requirement to obtain any other necessary approvals under Federal, State or local law; including, without limitation, the Chesapeake Bay Preservation Ordinance (Chapter 1222 of the Loudoun County Codified Ordinances).

6-1001 Application for Zoning Permit. An application for a zoning permit, signed by the property owner, or authorized agent or representative upon the presentation of an Affidavit from the property owner permitting the agent or representative to sign on their behalf, shall be filed with the Zoning Administrator and shall be accompanied by as much of the following information as the Zoning Administrator deems pertinent and such additional information as the Zoning Administrator may require to determine whether the proposed use or structure will be in compliance with the provisions of this Ordinance.

- (F) A locational clearance for property, ~~where required by located in the River and Stream Corridor Overlay or Mountainside Overlay Districts or the Chesapeake Bay Preservation Ordinance (Chapter 1222 of the Loudoun County Codified Ordinances).~~

Article 8 Definitions:

Lot Area: The total horizontal area included within the rear, side and front lot lines or street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses. "Lot area" shall not include portions under water, except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not exceed 30 feet. For lots created for residential use after the adoption of the Chesapeake Bay Preservation Ordinance (Chapter 1222 of the Loudoun County Codified Ordinances) (CBPO), the "lot area" of lots that are served by public water and sewer and are 20,000 square feet or less and the "lot area" of lots that are not served by public water and sewer and are 40,000 square feet or less shall not include the Resource Protection Area designated under the CBPO, excluding outlots and open space parcels.

~~**Management Buffer:** An area designed to protect a stream or river and its associated floodplain from adverse upland development impacts. The "50-foot management buffer" is included within the Protected River and Stream Corridor, as shown on the RSCOD Map.~~

~~**Minimum Stream Buffer:** A 100-foot area on both sides of a stream, measured from each stream bank, designed to be a natural riparian forest and filtration area that will ensure the maintenance of water quality and the ecological integrity of the protected corridor.~~

~~**Protected Corridor:** (also "Protected River and Stream Corridor.") A Protected Corridor is an area of natural or established vegetation along a stream or river that may be sensitive to changes.~~

Yard: Area on a lot which shall be unoccupied by any structure, except as permitted by this Ordinance, from the ground to the sky.

Yard, Front: An open space on the same lot as a principal building between the front line of the principal building and the road, street, or private access easement and extending across the full width of the lot. For lots created for residential use after the adoption of the Chesapeake Bay Preservation Ordinance (Chapter 1222 of the Loudoun County Codified Ordinances) (CBPO), and that are located within the Resource Protection Area (RPA) as designated by the CBPO, the minimum required front yard, where the required front yard abuts the RPA boundary, shall be measured from the RPA boundary.

Yard, Rear: An open space on the same lot as a principal building between the rear line of the principal building and the rear property line, road, street, or private access easement and extending across the full width of the lot. For lots created for residential use after the adoption of the Chesapeake Bay Preservation Ordinance (Chapter 1222 of the Loudoun County Codified Ordinances) (CBPO), and that are located within the Resource Protection Area (RPA) as designated by the CBPO, the minimum required rear yard, where the required rear yard abuts the RPA boundary, shall be measured from the RPA boundary.

Yard, Required: A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the District Regulations of this Ordinance. For lots created for residential use after the adoption of the Chesapeake Bay Preservation Ordinance (Chapter 1222 of the Loudoun County Codified Ordinances) (CBPO), and that are located within the Resource Protection Area (RPA) as designated by the CBPO, a yard, as defined above, where said yard abuts the RPA boundary, shall be located along the RPA boundary.

Yard, Side: An open space on the same lot as a principal building between the side line of the principal building and the side property line, road, street, or private access easement and extending from the front yard line to the rear yard line. For lots created for residential use after the adoption of the Chesapeake Bay Preservation Ordinance (Chapter 1222 of the Loudoun County Codified Ordinances) (CBPO), and that are located within the Resource Protection Area (RPA) as designated by the CBPO, the minimum required side yard, where the required side yard abuts the RPA boundary, shall be measured from the RPA boundary.